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OLC 78-0487/10  
23 June 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Civil Service Reform Act

1. I spoke with David H. Minton, Executive Director, House Post Office and Civil Service Committee, regarding the merit provisions of Title I of the Civil Service Reform Act and our problems therewith. He said that the Democratic Caucus, in discussing the merit provisions, decided to use the word "should" rather than "shall" or "will" in setting forth the merit principles in law with the understanding that the Committee would thereby indicate their desire that agencies follow the merit principles but without making it mandatory that they do so. I explained that this was only half a solution since it would invite lawsuits in the event merit principles were not followed. He agreed that this might be a result. I then gave him a suggested amendment to Title I which would make CIA subject to merit principles in so far as they are consistent with national security needs. He said he would talk to Representative Morris K. Udall (D., Ariz.) about the amendment to see if he would support adoption of the amendment.

2. I then spoke to Representatives Stephen J. Solarz (D., N. Y.), Edward J. Derwinski (R., Ill.), and James Leach (R., Iowa) on the same subject, expressing our position and giving examples of how various provisions contained in the merit principles section could cause us problems. Representatives Derwinski and Leach said they would support our position and introduce our amendment if necessary. Representative Solarz said that while it appeared our position had merit he wanted to see our concerns in writing before making a decision. I told him we would have a fact sheet to him early next week.



Acting Deputy Legislative Counsel

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